IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 331 of 2005 (S/B)

Sri Vijay Pal Sharma,
S/o Late Sri G.L. Sharma,
C/o Sri Ram Prakash Pandey,
R/o Dwarikapuri Extension,
P.O. Kanwali, G.M.S. Road,
Dehradun, Uttaranchal. …….. Petitioner

Versus

1. State of Uttaranchal
through Secretary to Govt. of Uttaranchal,
Awas Anubhag, Uttaranchal Secretariat,
Dehradun, Uttaranchal.
2. Sri Sushil Kumar Pant,
S/o Late Sri G.C. Pant,
R/o 8/181, Aish Bagh,
Kaladhungi Road, Haldwani,
Pin-263139, Uttaranchal.
3. Officer-in-Charge,
Town and Country Planning Deptt.,
Uttaranchal, 776-B,
(Near Police Chowki), Indira Nagar,
P.O. Dehradun, Uttaranchal. ……. Respondents

Mr. M.N. Kural, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Cyriac Joseph, C.J.
Hon. P.C. Pant, J.

CYRIAC JOSEPH, C.J. (Oral)

1. The petitioner is an Assistant Town Planner. He is aggrieved by the promotion of the second respondent as Associate Town Planner. According to the petitioner, he is senior to the second respondent and the second respondent was promoted overlooking the claim of the petitioner for promotion. It is contended that the promotion of the second respondent is illegal and is liable to be set aside and that the petitioner is entitled to be promoted in the vacancy in which the second respondent has been promoted.

2. Even if the above grievance of the petitioner is genuine and well-founded, there is an effective alternate remedy available to him for redressal of such grievance. The petitioner can file a claim before the Uttaranchal Public Service Tribunal constituted under the U.P. Public Services (Tribunal) Act, 1976. Learned counsel for the petitioner submitted that the remedy of filing a claim before the Public Service Tribunal is not a very efficacious remedy, as the Tribunal may take a very long time to decide the matter. We are not inclined to agree with the learned counsel for the petitioner in this regard. In our view and in our experience, the petitioner is likely to get speedier justice from the Tribunal than from the High Court. We have no reason to assume that if the petitioner files a claim petition before the Tribunal, there will be undue delay in deciding the matter. In case of any undue delay, the petitioner can very well approach this Court for appropriate directions. Hence, we do not consider it necessary or expedient to entertain this writ petition. In our view, the petitioner should resort to the effective alternate remedy available to him.

3. Hence, the writ petition is dismissed without prejudice to the right of the petitioner to file a claim petition before the Uttaranchal Public Service Tribunal.

(P.C. Pant, J.)
15.12.2005

(Cyriac Joseph, C.J.)
15.12.2005

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